

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

Rules and Regulations Implementing	)	
Minimum Customer Account Record	)	CG Docket No.02-386
Exchange Obligations on All Local and	)	
Interexchange Carriers	)	

**COMMENTS OF SBC COMMUNICATIONS INC.**

SBC Communications Inc. (“SBC”), on behalf of its local exchange carrier (“LEC”) affiliates, hereby submits these comments in response to the Further Notice of Proposed Rulemaking<sup>1</sup> (“Further Notice”) in the aforementioned docket. SBC supports a requirement that all local service providers participate in the exchange of customer account information, and specifically urges the Commission to adopt the current Alliance for Telecommunications Industry Solutions (“ATIS”) Ordering and Billing Forum (“OBF”) Committee, Local Service Migration Guidelines (hereinafter “LSM Guidelines”) as mandatory minimum standards for exchanges between LECs. Further, SBC urges the Commission to require LECs to comply with these minimum standards within a reasonable timeframe.

**I. BACKGROUND**

In 2004, the Commission initiated a rulemaking to consider whether it should implement mandatory minimum customer account record exchange (“CARE”) obligations for all LECs and IXC, and based on the record,<sup>2</sup> adopted minimum standards for exchanges between LECs and

---

<sup>1</sup> *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers, Further Notice of Proposed Rulemaking*, CG Docket No.02-386 (rel Feb 25, 2005) (“Further Notice”).

<sup>2</sup> SBC and other commenters provided ample evidence demonstrating that many CLECs either do not exchange *any* CARE information with IXCs, or exchange insufficient account information, thereby

IXCs.<sup>3</sup> The Commission did not prescribe the format or medium to be used for the data exchange, but required that LECs and IXCs exchange customer data in specific situations, that they exchange the required data within a reasonable time period, and that they exercise care to ensure that the data exchanged is complete and accurate.<sup>4</sup>

Contemporaneous with that decision, the Commission issued this Further Notice, seeking comment on whether it should take similar action with respect to LEC-to-LEC migrations. The Commission, in particular, noted BellSouth's concerns regarding the exchange of customer account information for local service migrations.<sup>5</sup> Specifically, BellSouth argued that many CLECs do not provide complete and timely information to facilitate local service migrations. As a result, according to BellSouth, local service transitions are delayed resulting in confusion and frustration for consumers.<sup>6</sup>

SBC agrees wholeheartedly with BellSouth, and has experienced most, if not all, of the problems identified by BellSouth in all of SBC's operating territories. Customers should be able to transition from one LEC to another in a seamless and timely manner, which unfortunately is not the case for a significant number of SBC customers. SBC thus applauds the Commission's decision to examine whether regulatory oversight is warranted to correct this reality.

---

precluding IXCs from establishing or disconnecting their customer accounts, billing their customers, or executing customer changes.

<sup>3</sup> *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers, Report and Order*, CG Docket No.02-386, ¶15 (rel Feb 25, 2005) ("CARE Order").

<sup>4</sup> *Id.*

<sup>5</sup> *Further Notice* ¶76.

<sup>6</sup> *Id.*

Specifically, the Commission asks for comment on BellSouth's concerns and whether other carriers experience similar problems; whether it should mandate the exchange of customer account information among LECs to reduce the identified problems, and if so, what information should LECs be required to exchange; whether the Commission should establish set timeframes; and whether the Commission should mandate the use of a particular format for the exchanges. SBC responds to these issues below.

## **II. DISCUSSION**

### **A. SBC has experienced problems in migrating end users from CLECs.**

Like BellSouth, SBC experiences tremendous delays in receiving the necessary customer account information to migrate customers to SBC, and these delays occur with multiple types of CLECs, i.e. CLECs who allow other LECs to resell their service (thus becoming a network service provider), and full facilities-based CLECs. Below, SBC identifies the most prevalent delays it experiences in the migration process.

For all local service migrations to SBC, SBC, with end user approval, must obtain customer account information from the customer's current provider to understand what and how the customer's services are provisioned. In SBC's experience, many CLECs simply do not respond to SBC's request for the end user's customer service record ("CSR"), or respond days after SBC's request, thereby significantly delaying the migration process.<sup>7</sup>

Generally, once SBC obtains the CSR<sup>8</sup>, it uses that information to complete the local service request ("LSR"), which is used to request migration of the end user's local service to

---

<sup>7</sup> For example, in Michigan, for the time period January 1, 2004 to August 31, 2004, 15% of SBC's CSR requests were completely ignored, and 40% were responded to three or more calendar days after the request.

<sup>8</sup> This is the process used in most SBC operating territories.

SBC. SBC then submits the LSR to the CLEC (or network service provider), and must await confirmation from the CLEC. Again, similar to the CSR requests, SBC often does not receive CLEC confirmation of the LSR at all, or receives it days or weeks after supplying the LSR.<sup>9</sup> In instances where SBC's LSR is rejected, the rejection, with clarifications, is often received days or weeks after the LSR submission. Further, where SBC has requested, in the LSR, to reuse the customer's loop, SBC often finds that certain CLECs refuse to relinquish the loop, forcing SBC to locate other facilities or construct new loops to serve the customer. This may delay service to the end user and cause the end user to incur additional charges.

Such delays and non-responses by other local service providers directly impact customer choices and competition. When a customer elects to migrate service, he or she expects the migration to occur within 24 hours or certainly within a handful of days. A number of SBC's end users have had to wait more than 15 calendar days, and in some instances, more than 30 calendar days to migrate their local service to SBC. These customers are often frustrated and confused by the delay, and in most instances blame SBC. Some even go so far as to cancel their order with SBC, incorrectly believing that SBC has been derelict in executing their request. These customers, of course, simply do not understand the migration process and SBC's reliance on their existing local service provider to participate in the migration process. The end result – these customers have received poor service and may be forced to stay with their non-responsive LEC. Further, SBC is competitively disadvantaged.

---

<sup>9</sup> For example, in Michigan, for the time period January 1, 2004 to August 31, 2004, the average LSR response time for all CLECs was 6.6 calendar days. About half of the CLECs took five or more calendar days to respond, while another 12% took between 16 and 29 calendar days to respond.

**B. The Commission should require all LECs to participate in the migration process and specifically should adopt the LSM Guidelines as mandatory minimum standards for exchanges between LECs.**

Discretionary or delayed participation by local service providers in the migration process is untenable. Speaking as a LEC that wears multiple hats (old provider, new provider, network service provider, etc.) depending on the migration, there is simply no justification for a LEC to refuse to participate in the migration process or to delay its participation therein absent extraordinary circumstances. Customers are entitled to a speedy and seamless transition of all their telecommunications services, and particularly their local services — the most basic and vital of all services. SBC thus urges prompt Commission action to facilitate the transition of end user local services between local providers, and specifically asks the Commission to mandate minimum standards for the exchange of customer account information among LECs.

The industry has certainly taken steps in this regard, recognizing the critical need for uniform standards. Through OBF, a taskforce of ILECs and CLECs — resale, UNE-P and facilities-based — developed guidelines for local service migrations, which were ultimately adopted by OBF. These guidelines provide LECs direction on the following, essential activities that must occur for the seamless and timely migration of local services:

- Exchange of end user transition information
- Disconnection of service from the old service provider
- Ordering and Provisioning of service by the new provider
- Directory Listing Management
- E-911 management

While these industry guidelines have gone a long way in facilitating the seamless transition of local services between LECs, the fact remains that they are still just guidelines. Many CLECs do not adhere to them at all or only in part, resulting in the continued migration problems previously identified. Mandatory customer information exchange requirements would ensure that all LECs

participate in the process and exchange sufficient customer data for the successful migration of end user local services.

Rather than reinvent the wheel, the Commission should adopt the LSM Guidelines as the mandatory minimum standards. As a participant in the ATIS-OBFLSM Guidelines taskforce, SBC can attest that CLECs and ILECs participated fully in the development of these guidelines, and in that regard, proposed, disputed, and revised a number of the suggested guidelines. Indeed, input across the industry was deemed so vital that non-OBFL member LECs were permitted to participate in the LSM Guidelines taskforce free of charge. These guidelines accurately represent the activities and information essential for the seamless migration of end user local services between all LECs.

The required activities for migration vary depending on the type of migration (e.g. migration from resale CLEC to facilities-based CLEC versus UNE-P CLEC to facilities-based CLEC). However, generally speaking, the mandated LSM Guidelines would require LECs to adhere to the following:

- the old provider<sup>10</sup> would have to provide the new provider a CSR<sup>11</sup>;
- the new provider would have to submit a LSR to the old provider that includes all the necessary forms and information for migration;<sup>12</sup>
- the old provider would have to provide the new provider with clarifications to the LSR, if necessary, or if it accepts the LSR as submitted, provide the new provider a LSR confirmation with the due date for migration; and
- The old provider would have to relinquish the ILEC loop facilities unless they will be used for other services ordered by the end user.

---

<sup>10</sup> In some instances the network service provider rather than the old provider must provide the CSR or LSR confirmation.

<sup>11</sup> The CSR would have to, at a minimum, include all the account level and line level information specified on page 8-2 of the LSM Guidelines attached hereto.

<sup>12</sup> The LSR would have to include, at a minimum, the forms set forth on pages 3-2 and 3-3 of the LSM Guidelines attached hereto.

The LSM Guidelines, attached hereto, provide more detailed requirements for each of these exchange activities, which SBC urges should be adopted in full.

**C. The Commission should require LECs to adhere to the adopted guidelines in a timely fashion.**

Mandatory minimum exchange requirements for LECs are the first, critical step, but LECs must also comply with these standards in a reasonable timeframe. Local service, in contrast to other telecommunications services, is the most vital of all telecommunications services, and indeed still remains the only form of telecommunications used by a number of consumers. The Commission should therefore take great effort to ensure that any migration of local service is done in a timely manner.

As SBC explained, in its experience, many CLECs do not respond to its CSR requests, or confirm its LSR requests in a timely manner. SBC, for example, does not consider a CSR response or LSR confirmation received 5 calendar days after the request to be reasonable. SBC and many CLECs provide this information within hours (as the old provider or new provider) and firmly believe that all carriers are capable of doing the same. While SBC does not here propose specific timeframes for any particular exchange requirement, SBC urges the Commission to require all LECs to comply with the mandated requirements in a timely manner, and where appropriate, should give guidance regarding what it does not consider to be timely execution of the exchange requirements.

**D. The Commission should not mandate the use of specific formats or codes.**

In the *CARE Order*, the Commission declined to mandate the use of a particular format or transmission medium for the exchange of customer account information between LECs and IXC. As the Commission there explained, what is most important is that information exchanges

take place.<sup>13</sup> The same is equally true here. So long as all LECs participate in the process and provide the requisite customer account information, LECs should retain the flexibility to decide which formats, codes or transmission medium are best for the seamless and timely exchange of information.

### **III. CONCLUSION**

For the foregoing reasons, SBC requests that the Commission adopt the LSM Guidelines as mandatory minimum standards for the exchange of customer account information among LECs. Equally important, the Commission should require LECs to comply with such standards in a timely manner.

Respectfully submitted,

SBC Communications Inc.

/s/ Davida M. Grant

Davida M. Grant

Gary L. Phillips

Paul K. Mancini

SBC Communications

1401 I Street, NW

Suite 400

Washington, DC 20005

(202) 326-8903- telephone

(202) 408-8745 - fax

Its Attorneys

July 18, 2005

---

<sup>13</sup> *CARE Order* ¶59